FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 788 OF 2005.
IN
CRIMINAL APPEAL NO. 109 OF 2005.

Dholya Shakar Husen Gaikwad & anr... Applicants.
vs.
The State of Maharashtra & anr. ... Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri Gopal Bhagat i/b M/s Bhagat and Associates for the applicants.
Shri D.P.Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 16-2-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicants and the learned A.P.P. for the State.

2. Applicants are convicted by the trial Court for having committed an offence punishable under section 307 read with section 34 of the Indian Penal Code and sentenced to suffer R.I. for 5 years. Applicants were on bail during trial. The prosecution case in brief is that the complainant had asked the applicant not to deal in brown sugar in the vicinity of their residence. Thereafter, the applicant along with others entered the house of the complainant and assaulted him

and his family members with sword and other weapons.

3. Learned Counsel appearing on behalf of the applicant submits that the complainant himself is having criminal antecedents and there are several cases pending against him. It is submitted that the applicants have been falsely implicated in the present case. It is further submitted that the applicants were on bail during trial and they have not misused the bail which was granted by the trial Court.

4. The learned A.P.P. appearing for the State submitted that there are several cases pending against applicant No.1 and therefore, both the applicants are not entitled to be released on bail. At this stage,learned Counsel appearing for the applicants does not press bail application on behalf of applicant No.1.

5. Considering the facts and circumstances of the case and in view of the fact that applicant No.2 was on bail during trial Court, he is directed to be released on bail in the sum of Rs.5,000/- with one or two sureties in the like

amount. He shall, however, report to Ambarnath Police Station once in a week.